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March 5, 2007

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Louis W. Bullock Miller, Keffer, Bullock & Pedigo LLC 222 S. Kenosha Avenue Tulsa, Oklahoma 74120

Re: State of Oklahoma v. Tyson Foods, Inc., et al.

Northern District Court of Oklahoma No. 05-CV-0329-TCK-SAJ

Dear Louis:

At the February 15, 2007 hearing you indicated several times that the State is continuing to assert work-product claims over sampling and laboratory data generated as part of its "DNA investigation." I assume that you are referring to attempts by the State to test for purported genotypic or phenotypic "fingerprints" for bacterial strains isolated from suspected fecal sources. Clearly, the information being withheld is factual information directly responsive to the discovery requests that were the subject of the First Motion to Compel (Dkt. No. 743) and the Count's February 26th Order granting that motion (Dkt. No. 1063).

Absent your agreement, in writing, to produce test results and sampling data associated with the State's "DNA investigation," I will have no choice but to file another motion to compel. I am not creative enough to imagine why the DNA test data would be treated any differently than the rest of the State's sampling data from a work-product standpoint, but I am willing listen to any explanation you can offer. If you are willing to participate in such a conversation or to otherwise resolve this discovery dispute without my having to involve the Court, please contact me this week to discuss this matter.

4838-0834-0225.1

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I appreciate your attention to, and hopefully your cooperation in, this matter.

Cordially,

Robert W. George

cc: Defense Counsel (via e mail)